



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NEW ENGLAND REGION  
5 POST OFFICE SQUARE, SUITE 100  
BOSTON, MA 02109-3912

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

April 6, 2016

Mr. Ming Chai  
Production Manager  
American GreenFuels, LLC  
100 Waterfront Street  
New Haven, Connecticut 06512

Re: **Notice of Noncompliance** of the Emergency Planning and Community Right-to-Know Act and the General Duty Clause of Section 112 of the Clean Air Act for American GreenFuels, LLC

Dear Mr. Chai:

On June 30, 2015, a representative of the United States Environmental Protection Agency, Region 1 ("EPA") conducted an inspection of a biodiesel manufacturing facility at 100 Waterfront Street in New Haven, Connecticut ("Facility"). The Facility was operated by Greenfeaf Biofuels, LLC ("Greenleaf"), which merged into American GreenFuels, LLC ("American GreenFuels") in December 2015. The purpose of EPA's inspection was to determine the Facility's compliance with the Section 313 Toxic Release Inventory ("TRI") provisions of the Emergency Planning and Community Right-to-Know Act ("EPCRA") and with the Section 112(r)(1) General Duty Clause provisions of the Clean Air Act ("CAA").

Based on information obtained during the inspection and information provided to the TRI database, EPA identified violations at the Facility of certain requirements of Section 313 of EPCRA. The goal of Section 313 of EPCRA is to provide the public accurate information about the releases of toxic chemicals in their community.

Specific violations of EPCRA Section 313 TRI requirements at the Facility are set forth below:

- Failure to submit accurate TRI forms for calendar year 2013 (due July 1, 2014) and calendar year 2014 (due July 1, 2015). The Facility discharges stormwater and has a general stormwater permit. However, no water discharge was identified in the above-referenced TRI forms.
- During EPA's inspection, Facility representatives stated that the Facility released approximately 200 gallons of process wastewater, containing approximately 50 pounds of

methanol, to New Haven Harbor on October 29, 2014. This release was not reported on the Facility's TRI submission for calendar year 2014, which was due by July 1, 2015. A TRI revision with this information was submitted 56 days later, on August 26, 2015.

EPA also identified violations of the Section 112(r)(1) General Duty Clause ("GDC") of the CAA. Pursuant to the GDC, owners and operators of stationary sources that produce, process, handle, or store extremely hazardous substances must (a) identify hazards which may result from accidental releases of such substances using appropriate hazard assessment techniques; (b) design and maintain a safe facility taking such steps as are necessary to prevent releases; and (c) minimize the consequences of accidental releases that do occur. EPA's Guidance for Implementation of the GDC, which further explains the GDC and its requirements, can be found at <http://www2.epa.gov/sites/production/files/2013-10/documents/gdcregionalguidance.pdf>.

Specific violations of the GDC at the Facility are set forth below:

- Failure to design and maintain a safe facility, taking such steps as are necessary to prevent releases, as evidenced by the following facts: process piping containing hazardous materials throughout the Facility had not been marked in accordance with industry practices (see, e.g., American National Standards Institute/ American Society of Mechanical Engineers (ANSI/ASME) A13.1 – 2007, *Scheme for the Identification of Piping Systems*). Piping for methanol, sodium methylate and sulfuric acid, all extremely hazardous substances, was not labelled in the storage tank area nor in the area between the storage tank area and the process building. Methanol, sodium methylate and sulfuric acid piping inside the process building also had deficient labeling. Additionally, each of the filling ports located in the loading/unloading area had no permanent labels.
- Failure to adequately identify hazards which may result from accidental releases at the Facility using appropriate hazard assessment techniques, as evidenced by the fact that the Facility's Process Hazard Analysis ("PHA") did not fully assess the consequences of a release on the public and the environment (see GDC Guidance).
- Failure to minimize the consequences of a release, should one occur, as evidenced by the following facts: the emergency response plan states that a "qualified outside emergency responder" will be used to respond to certain releases of methanol or sodium methylate, but no company or phone number was identified for the emergency responder in the emergency response plan or any other document reviewed. Additionally, during EPA's inspection, two Facility employees could not confirm what company would be used. An emergency response plan should include specific procedures for employees to follow to stop further chemical releases and/or mitigate the effects of the substances released (see GDC Guidance).

**Within 30 days** of receipt of this Notice of Noncompliance, please submit a description of actions taken to address the violations listed above with supporting documentation of the actions that American GreenFuels will take so that the aforementioned violations will not occur in the future to:

Chris Rascher  
RCRA, EPCRA and Federal Programs Unit  
U.S. Environmental Protection Agency  
5 Post Office Square – Suite 100  
Mail Code: OES05-1  
Boston, MA 02109-3912

Failure to correct the violations as required by this Notice of Noncompliance may subject American GreenFuels to further federal enforcement action for the violations described above, including an assessment of monetary penalties. EPA reserves the right to take any further enforcement action regarding these or any other federal environmental violations committed by American GreenFuels.

If you have any questions concerning this Notice of Noncompliance, please contact Chris Rascher at (617) 918-1834.

Sincerely,



Susan Studlien, Director  
Office of Environmental Stewardship

Enclosure

cc: Chris Rascher, EPA  
Paul Teta, Kolmar Americas, Inc. (email)  
Elliott Laws, Crowell & Moring LLP (email)